IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.748 of 2005
Date of Decision:- 27.11.2006

Krishan Kumar ....Petitioner

through
Mr.J.S.Brar, Advocate

vs.

Sh.Birbal Dass & ors. ....Respondents

through
Mr.Sandeep Khunger, Advocate

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner had filed Civil Revision No.2435 of 2005 in which vide an interim order dated 2.5.2005, this Court directed that demolition of the area measuring 8 ft.X 18 ft. shall remain stayed. This Court further directed that "if the petitioner is in possession of more area than 8 ft. X 18 ft., there will be no stay regarding that."

Alleging that while carrying out the demolition drive the respondents have dispossessed the petitioner even from the area qua which interim stay was granted by this Court, this petition has been filed.

In response to the show cause notice, respondent No.2-Ram Kumar Garg, Municipal Engineer, Municipal Council, Muktsar has filed his affidavit. Along with the said affidavit, he has also appended a site plan. On the strength of the site plan it is the stand of the said respondent that the area qua which this Court has stayed dispossession of the petitioner, has been kept intact and the unauthorized construction/encroachment over and above the said area only has been removed.

In view of the above-stated stand taken by the respondents, this petition is disposed of with a clarification that in view of the interim order dated 2.5.2005, the petitioner is entitled to retain possession qua 8 ft. X 18 ft. area and no interference in enjoyment thereof shall be caused by the respondents till the above-stated interim order passed by this Court is modified/altered/vacated/varied.

Rule discharged.

November 27, 2006 **(SURYA KANT)**
poonam **JUDGE**